



de maximis, inc.

450 Montbrook Lane
Knoxville, TN 37919
865-691-5052 phone
865-691-6485 fax

-Via Email-

August 13, 2021

Zolymer Luna Díaz, RPM
United States Environmental Protection Agency, Region 2
Caribbean Environmental Protection Division
City View Plaza II Suite 7000
Road PR-165 KM 1.2
Guaynabo, PR 00968

Andrea Leshak, Esq.
Attorney-Advisor
United States Environmental Protection Agency, Region 2
Office of Regional Counsel
290 Broadway
17th Floor
New York, NY 10007

Subject: Submittal of: 1) PROTECO Group Response to Site Clearing Plan Comments; 2) Request for Schedule Extension; and 3) Reporting of Off-Site Storm Water Control issue. PROTECO Site, Peñuelas, Puerto Rico

Dear Ms. Luna:

I write on behalf of the PROTECO Site potentially responsible parties' group (Group) to: 1) provide the Group's response to EPA's comments on the Site Clearing Plan (CP) Comments; 2) request an extension of the deadline for Site reconnaissance visit under the Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study pertaining to the PROTECO Site, Peñuelas, Puerto Rico (the "Site"); and 3) to report an off-site storm water control issue.

Response to EPA's Comments

I have enclosed a PDF copy of the Group response to EPA's comments to this email. The response uses the same format provided to the Group by EPA.

The Group is currently in the process of revising the original Site CP to address EPA's comments and to include a Construction Storm Water Pollution Prevention Plan (SWPPP). We anticipate submitting the revised Site CP to EPA in mid to late September 2021. We request that EPA review and approve the Site CP as soon as possible after submission.

Request for Schedule extension

The Group requests an extension to the project schedule pursuant to Paragraph 34 of the Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study and Paragraph I of the Statement of Work (SOW) attached to the Order (Order) as Appendix C. In accordance with the Order and SOW, we are submitting this request for an extension of time beginning with EPA approval of the Site CP.

The Site reconnaissance is currently scheduled for September 1, 2021. The Group submitted its original Site CP to the EPA for review and comment on May 24, 2021. The Group received comments on the Site CP from EPA on July 14, 2021 and was provided thirty (30) days to respond to the comments. As noted above, the Group is currently revising the Site CP. We anticipate submitting the revised Site CP to EPA in mid to late September 2021.

The Group desires to begin the vegetation clearing work as soon as possible. The rainy season will likely impact the clearing contractor's ability to safely access Site. The rainy season also may affect the contractor's ability to perform the work with a minimal disturbance of the surface soils.

The purpose of the Site CP is to remove dense vegetation at the Site in advance of performing the Site Reconnaissance Visit. The Group proposes to implement the Site CP and clear the vegetation in order to complete the Site boundary survey and to allow for a safe and productive Site Reconnaissance.

The Group estimates that fifty-three (53) working days, or approximately eleven (11) weeks, will be required to complete the vegetation clearing work. Based on this scenario, the Group requests the Site Reconnaissance be scheduled once EPA has approved the revised Site CP.

Report of Potential Off-Site Storm Water Control Issue

On Friday, June 25, 2021, the following individuals inspected the PROTECO Site to focus on potential hydrology issues (storm water flow, exit controls, etc.) and erosion control concerns: Raul Colon, Hydrologist from Caribe Environmental Services (consultant for Group member Checkpoint); Dan Gainer of *de maximis, inc.*, and Jaime Feliciano of Geosyntec, Inc. Also present was Germán Novoa from McConnell Valdés (representing Group member Checkpoint).

During the June 25th inspection, we observed what appears to be a stormwater bypass canal which had been constructed on the west side of the Upper and Lower Sedimentation Ponds downgradient of the PROTECO Site. This apparent stormwater bypass canal may be preventing runoff from the EC Waste property and a majority of the PROTECO Site from entering the sedimentation ponds. We have attached a few photographs of the apparent stormwater bypass canal for your reference.

It is important to note that stormwater from approximately the upper two-thirds (2/3) of the PROTECO Site drains into the roadside stormwater ditch located along the paved road. This drainage ditch then flows to the southwest around the EC Waste maintenance facility and then turns south/southeast toward the two (2) sedimentation ponds. Based on a review of Google Earth aerial photographs of the area, it appears that this stormwater ditch previously emptied into the Upper Sedimentation Pond until it was apparently redirected by an unknown third party.

The Upper Sedimentation Pond appeared to have been an element of the old PROTECO RCRA Site National Pollution Discharge Elimination System (NPDES) permit when it was operating. We would ask EPA to verify whether the sedimentation ponds are also a component of EC Wastes' current NPDES permit.

The lower one-third (1/3) of the PROTECO site drains into a shallow basin in front of the current EC Waste office. This drainage way has not been altered and Site runoff still flows into the Upper Sedimentation Pond from the shallow basin during precipitation events.

The Sedimentation Ponds will be an important element in the PROTECO SWPPP. The Group requests that EPA investigate the apparent stormwater bypass canal situation and advise the PROTECO Group on how to address this issue in the Site SWPPP. The Group anticipates that a meeting will also be required with representatives from EC Waste to address this issue once we receive information from EPA following the Agency's inquiries into this matter.

We would like an opportunity to discuss the items addressed in this letter with you via an online meeting. Please let us know of a date and time you are available and we will make the arrangements via Teams.

We look forward to hearing from you in the near future regarding the request for a schedule extension, EPA review and approval of the Site CP and the next steps on the off-site stormwater control issues.

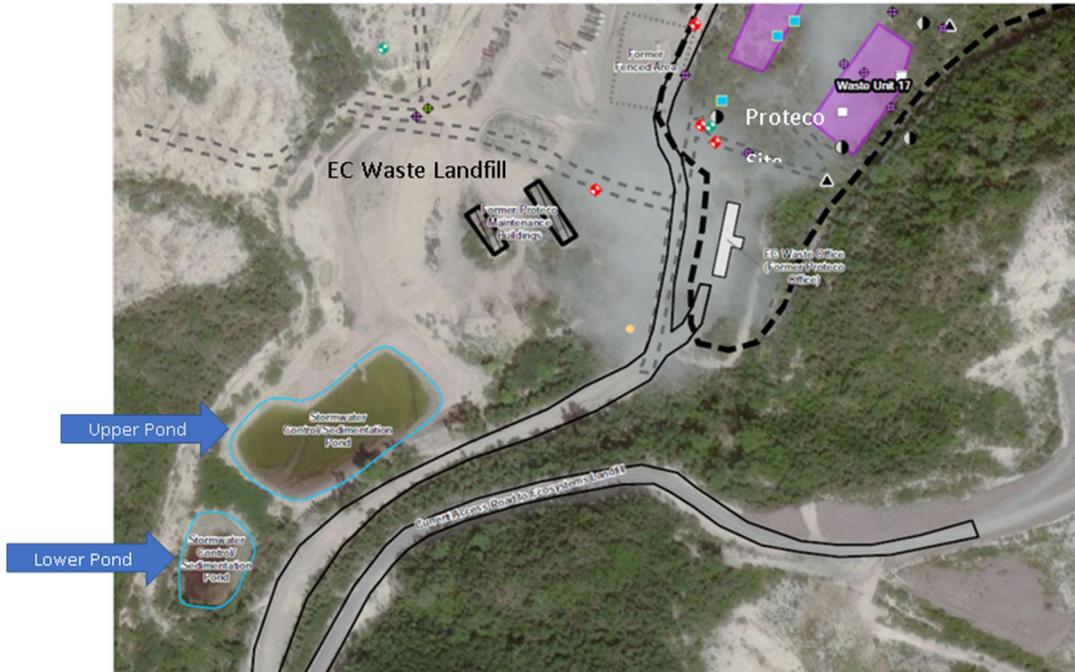
Sincerely,



Daniel N. Gainer, PG
Project coordinator

Cc: PROTECO Landfill Superfund Site Technical Committee
Mike Miller, *de maximis, inc.*
Jaime Feliciano, Geosyntec, Project Consultant

**PHOTOGRAPHS OF POTENTIAL OFF-SITE
STORM WATER CONTROL ISSUES**



Location of Upper and Lower Sedimentation Ponds downgradient of the PROTECO Site



View of apparent Stormwater Bypass Canal on west side of Upper and Lower Sedimentation Ponds. The arrows show the apparent Stormwater Bypass Canal route.



Apparent Stormwater Bypass Canal on the west side of the sedimentation Ponds.
Looking upstream (north).



Apparent Stormwater Bypass Canal passing through and eroding the west abutment of Lower Sedimentation Pond. Looking upstream (north) from the toe of the dam.